



Internet Telephony Services Providers' Association

ITSPA Response to Ofcom Consultation - Regulation of VoIP Services: Access to the Emergency Services

This response is on behalf of the Internet Telephony Services Providers' Association (ITSPA) and takes a general overview of the consultation and accompanying statement. Detailed responses from member companies take precedence over this group response.

ITSPA welcomes Ofcom's consultation on access to emergency services by VoIP users and supports Ofcom's objective that there should be a high level of 999 access for users of VoIP. Most of ITSPA's members already offer access to 999. Subject to our comments below, we intend to work with our members and Ofcom to ensure that anyone providing a service to make outbound calls to the PSTN is able to provide 999 access, as well as to comply with any associated regulatory provisions.

Q.1 Do you consider Ofcom should consider any other policy options? Please describe your proposed option(s) and explain what you consider would be the advantages and any disadvantages.

Ofcom considers its options are:

Option 1: Do not mandate 999 access for VoIP services

Option 2: Mandate 999 access for type 2 and type 4 VoIP services

As discussed in the answer to questions 4 and 5 below, ITSPA considers that it may have been more appropriate to require Type 4 providers only to offer 999 access. However, we recognise that the European Commission is likely to place the obligation on all services offering origination of calls to the PSTN.

Some of ITSPA's members offer VoIP service to corporate customers over the customer's PBX, such that only national and international calls are routed to the VoIP provider, and local and 999 calls would normally be routed through the local provider. We would appreciate clarification from Ofcom as to the extent to which this Condition would apply where such PBX / intelligent call routing systems are used.

Q.2 Do you have any comments on Ofcom's evaluation of policy Option 1, which is to not require VoIP services to allow 999 calls? Q.3 Do you consider Ofcom should adopt policy Option 1? Please give your reasons.

In general, ITSPA favours a self-regulatory approach. In our view, the best approach would have been to enable VoIP providers to provide access to 999 without having to take on additional regulatory obligations that are placed upon providers with PATS status.



Internet Telephony Services Providers' Association

However, the ERG and the European Commission seem to be moving towards a requirement that all providers of telephony services should be obliged to provide access to emergency services. In this context, ITSPA is happy to support a decision to mandate 999 access.

Q.4 Do you have any comments on Ofcom's evaluation of policy Option 2, which is to require VoIP services that allow calls out to ordinary numbers to allow 999 calls?
Q.5 Do you consider Ofcom should adopt policy Option 2? Please give your reasons.

We agree with Ofcom that it is not necessary to require providers of Type 1 or Type 3 to offer access to 999, since users of those services are unlikely to expect to be able to call 999 on that service.

We think that many users with a Type 2 service *only* are unlikely to want, in practice, to be able to use that service to call emergency services. We think that Ofcom has over-stated the risk posed to users of these services. Instead of asking customers whether or not they think they have access to 999, Ofcom should perhaps have asked them whether they would *intend* to use their VoIP service to dial 999. Given the infrequency with which many customers use VoIP services to which they've subscribed (see answer to question 9 below), the actual risk may be very low.

If Ofcom decides to rule out voluntary provision and opt, instead, for mandatory provision, then it must ensure that this will achieve the desired objective. See our further comments in Question 11 below.

Q.6 Ofcom invites information on (a) the current means, future possibilities and limitations for providing caller location information; (b) how long it is likely to take a VoIP provider to meet current requirements on caller location information, in the event that Option 2 is adopted.

6 (a): ITSPA agrees that VoIP providers should provide the emergency services interface with location details as provided by their customers. As we have reported previously, providers cannot always verify the accuracy of the location data provided by their customers.

ITSPA's view remains that it is impractical to require nomadic users to input location details at each new location. Firstly, it makes the service clunky and unattractive to use. Secondly, it requires the VoIP provider to pass frequent updates to BT or C&W, which may not be possible if the interface is not automated. Even providers who provide the initial registration address over an automated interface are unlikely to have an automated process for providing updates to that information.

ITSPA would welcome development of location based solutions such as a database matching IP addresses to physical locations, but we recognise that this requires the co-operation of ISPs.

6 (b): BT and C&W currently require either dedicated links or prescribed secure software in order for the CP to provide the location information. A balance has to be drawn between an appropriate level of security, and a reasonable cost burden to be placed on providers. We



Internet Telephony Services Providers' Association

therefore recommend that BT and C&W review their processes to enable providers to send the customer location information more easily and cheaply. Customers should be able to provide the information over a standards-based internet connection, without the need to purchase either BT-approved software or a dedicated circuit between the provider and BT.

For those providers who do not already have an interconnect agreement with BT, setting up the location-data interface could take up to 6-12 months.

Q.7 Ofcom invites information on (a) the current means, future possibilities and limitations for providing network integrity and service reliability; (b) how long it is likely to take a VoIP provider to meet current requirements on network integrity and service reliability, in the event that Option 2 is adopted.

ITSPA agrees with Ofcom and the ERG that network integrity obligations can, in practice, apply only to network operators since service providers who are not also network operators have no means of control of the transmission / transport layer, other than aspects related to call session control on the server.

VoIP service providers who become PATS as a result of the adoption of Option 2 will need time in order to conduct a risk assessment and put any consequent measures in place. We would recommend that Ofcom allow 12 months from publication of the final statement to both offer access to 999 and comply with the PATS conditions.

ITSPA is undertaking a detailed review of Ofcom's Guidelines on compliance with GC 3 and we are creating a Risk Assessment Check List for our members to aid understanding of and compliance with these Guidelines.

On the subject of SLAs, we would point out that it is only possible to secure a service level agreement with a broadband/ network operator where there is a commercial relationship between the VoIP provider and the network operator and where a service is provided by the network operator directly to the VoIP provider.

Q.8 Do you have any comments on complying with the other PATS General Conditions, in the event that Option 2 is adopted?

We note that Ofcom's proposed modification to GC 4 is to require all providers of PECS enabling origination of national and international calls to numbers in a national or international telephone numbering plan to offer access to 999. The European Commission proposes to remove the "gating" criteria of "access to emergency services" from the definition of PATS, so that anyone providing a service for originating and receiving national and international calls through a number or numbers in a national or international telephone numbering plan is now PATS.

Therefore, in terms of compliance with PATS obligations, Type 4 providers will likely become PATS under European law, irrespective of Ofcom's 999 proposals which, as the law stands currently, bring those providers under the PATS definition. Type 2 and 3 operators will remain as providers of ECS.



Internet Telephony Services Providers' Association

Many of the General Conditions which apply to PATS operators are sensible and amount to basic consumer protection, such as GC 10 (transparency of information) and GC 12 (itemized bills). Others, such as GC 8 (Operator Assistance, Directories and Directory Enquiry Facilities) contain provisions, which may be becoming redundant in the 21st century. We understand that Ofcom is soon to undertake a review of the General Conditions and we look forward to contributing to this discussion.

Q.9 Referring to the full Impact Assessment in Annex 5, do you agree with Ofcom's approach to assessing the potential costs and benefits of policy Options 1 and 2?

Ofcom's impact assessment has concluded that the benefits to consumers would outweigh the costs to VoIP providers. We believe that this impact assessment is flawed. Firstly, the cost assessment is based on a survey of a very small sample of providers, and the responses of those providers were not, in our view, accurately reflected in the survey's conclusions.

Secondly, the estimates of customer usage and the potential for confusion seem to be overstated. Although the impact assessment finds that 10% of households have a VoIP service¹, Ofcom's recent Communications Market Report finds that only 14% of VoIP users use VoIP every day² and many of the users only claim to have used it "at least once". Ofcom's report finds that "VoIP users are more likely to have the use of a mobile and a fixed line than UK adults as a whole³".

Secondly, Ofcom's survey found that 78% of VoIP users who do not have access to 999 believe that they do. This results in a conclusion that over one million households in the UK (1 in 24) are unable to dial 999 and are unaware of this fact. This seems to take no account of the fact that only a small proportion of VoIP users are using it as their main means of making outbound calls.

In any event, putting a monetary value on the benefit to society of reducing customer confusion (value of a statistical life, etc) is, arguably, slightly crass. And comparing the cost of saving lives with the cost to operators of complying with General Conditions is a rather worthless exercise.

Ofcom should instead be concentrating on how to ensure that all providers of telephony services can offer uninterrupted access to emergency services with the minimum of red tape.

Q.10 Do you agree that 3 months would be a suitable compliance period, taking into account the steps VoIP providers would have to take to comply with the modification to General Condition 4 and any additional General Conditions and the need to reduce the risk of harm to consumers and citizens? Please give detailed calculations and reasoning to support your response.

¹ This may be down to 9% now, since Ofcom's Communications Market Report published in August 2007 finds that 50% of households have broadband and, of those, 18% were currently using VoIP.

² Ofcom's Communications Market Report, figure 4.82, page 312

³ Section 4.3.9, page 313 - "All 500 VoIP users surveyed had use of a mobile phone." "97% of users have access to a fixed line" - page 312



Internet Telephony Services Providers' Association

There are three elements to compliance:

- 1) Providing the customer with access to the emergency services call centre upon dialing 999 with no provision of location information. We estimate that 2 or 3 months is a suitable compliance period for this element.
- 2) Providing location information to the emergency services call centre. ITSPA believes that providers must be given at least 12 months to establish the interfaces with BT or C&W.
- 3) Compliance with all PATS conditions. Providers should be given 12 months to comply with PATS conditions such as GC 3. For ITSPA's larger members (particularly members with underlying networks), the implementation of the General Conditions that fall under the PATS conditions take a significant amount of time to implement.

Q.11 Do you have any comments on Ofcom's proposed approach to monitoring, review and enforcement?

A large proportion of users of Type 2 services in the UK use a provider, which is registered outside the UK⁴. It is still unclear how Ofcom intends to enforce this requirement against such providers. Unless Ofcom is able to enforce this requirement against extra-territorial Type 2 providers, it will not be able to confer the benefit of increased provision of 999 in the UK and this condition will only have served to increase the cost of doing business to many VoIP providers who already provide 999 access on a "best efforts" basis.

With regard to extra-territorial Type 4 providers, we would like to see further details from Ofcom as to how it intends to enforce this provision through administration of the numbering plan. Some extra-territorial providers use numbers held by a third party range holder, and we would recommend that, in the event of a failure to provide access to 999, Ofcom should issue an order to the range holder to block use of that number.

Ofcom could also implement a consumer protection test, along the lines of that proposed in the Numbering Policy Review in February 2006, and further discussed in Ofcom's May 2007 consultation. Under this test, numbers should not be provided to (and should be withdrawn from) anyone failing to comply with the obligation to offer access to emergency services.

⁴ According to Ofcom's Communications Market Report, published in August 2007, Ofcom research in October 2006 found that 67% of users used Skype as their service provider, with MSN a distant second at 18%.



Internet Telephony Services Providers' Association

About ITSPA:

The Internet Telephony Services Providers' Association (ITSPA) is the UK VoIP industry's trade body, representing over 60 UK businesses involved with the supply of VoIP services to industry and residential customers within the UK. ITSPA pays close attention to the development of VoIP regulatory frameworks on a worldwide basis in order to ensure that the UK internet telephony industry is as competitive as it can be within international markets.

A full list of ITSPA members can be found at <http://www.itspa.org.uk/>